

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:
JUAN EDGARDO MORA
MARIA INES JOVE RAMOS

Debtors

CASE NO. 14 – 04676 – MCF12

Chapter 12

**URGENT MOTION REQUESTING APPROVAL OF INCREASED INTERIM
PAYMENT OF CHAPTER 12 PLAN AND REQUEST FOR EXTENSION OF TIME OF
SIXTY (60) DAYS TO FILE POST CONFIRMATION MODIFIED CHAPTER 12 PLAN**

TO THE HONORABLE COURT

COMES NOW, the Debtors, JUAN E MORA and MARIA I JOVE, represented by the undersigned attorney and respectfully set forth and pray:

1. On June 5, 2014 JUAN EDGARDO MORA and MARIA INES JOVE RAMOS (the “Debtors”) filed a voluntary petition for relief under the provisions of 11 U.S.C. §1201 et. seq., and as of that date they have been managing their affairs and operating their business.
2. The Debtors operate a dairy farm located at Hato Abajo Ward, Rd. 653 Km. 3.4 in Arecibo PR. They have a bi-weekly milk production quota of 28,500 liters. The Debtors sell their milk production to Suiza Dairy Debtor’s Chapter 12 Plan was confirmed on January 23, 2015 (Docket No. 60).

3. After confirmation the Debtors have been in full compliance of their confirmed Chapter 12 Plan including the post petition finance authorized by this Court.
4. Debtors sell their milk productions to Suiza Dairy Corp. and the payments of their Chapter 12 Plan are made by direct debits from production on a weekly basis.
5. On September 20, 2017 hurricane María passed over Puerto Rico and severely affected Debtors' farm and operations.
6. The Debtors filed an "Urgent Motion Requesting to Stop Payments for their Chapter 12 Plan" on October 6, 2017 (Docket No. 73). This Honorable Court granted the Urgent Motion and ordered the Debtors to inform the Court of the status of their operations by November 27, 2017 (Docket No. 74).
7. On November 27, 2017 the Debtors filed an Urgent Motion in which they informed the Court of the status of their operations and requested the approval of an interim weekly payment of \$175. In said Motion the Debtors also requested 60 days to file a Post Confirmation Modified Chapter 12 Plan or "PCM". (Docket No. 76). The Court approved this Motion on December 6, 2017 and granted up to January 26, 2018 to file the PCM (Docket No. 80).
8. The Debtors filed a "Second Motion Requesting Approval of Interim Payment" on January 25, 2018 (Docket No. 82). Said Motion was granted as per Order of this Court dated January 26, 2018 (Docket No. 83). In this Second Motion the Debtors proposed an increased payment of \$500 per week to the Chapter 12 Trustee, and they have been complying with said payment to this date.
9. Issue with milk decommissions/ forced discarding of milk and reduced price paid per liter:

- a. After the “Second Urgent Motion” the Debtors continued to work on solving all matter related to production and income. The Debtor are producing around 80% of their milk quota and the cattle has recuperated production wise.
 - b. On the other hand, the income received for this “80%” of their milk quota is comparable in dollar terms to what would be paid/received for 50-55% of their milk quota on the same date in 2017. This is due to the fact that milk the commissions have continued to occur, and the raw milk is being paid at \$0.70-\$0.76 up to around 45% of a farmer’s quota, and the remaining quota is being paid at \$0.60-\$0.66. (Prices are per liter/quart of raw milk)
 - c. See Exhibit 1 for “Liquidation Analysis from the Dairy Industry”
10. For all the reasons stated herein the Debtors need 60 days with a reduced payment of \$900 per week in order to let the Dairy Industry recover normal payment levels. The Debtors expect this to happen since when summer arrives the dairy industry reduces output due to the temperature and the milk processing plants will have the same demand for raw milk. Therefore, the milk decommissions should stop and raw milk will be paid at a higher price.
11. After these 60 days the Debtors will submit a Post Confirmation Modified Plan that will deal with any arrears that have accumulated since the passing of the hurricane. The Debtors also inform that any PCM will only deal with getting current and complying with the former plan base (plan confirmed at Docket Do. 60).
12. The Debtors request that this Motion is approved on an emergency basis because it is their intention to make payments towards their plan.

WHEREFORE the Debtors herein request this Honorable Court enters an order on an expedited basis for the following:

- A. Taking notice of Debtors' compliance with the Order of January 26, 2017 (Docket No. 83).
- B. Authorizing the interim payment of \$900 per week towards Debtors' Plan with the 60 days term to submit a Post Confirmation Modified Chapter 12 Plan
- C. Any other provision that the Court deems appropriate.

RESPECTFULLY SUBMITTED,

In Mayaguez, Puerto Rico this 11th day of April of 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY: that on this date I electronically filed the above document with the Clerk of the court using the CM/ECF System which sends notification of such filing to United States Trustee and to all registered participants and by mail to all creditors who do not receive electronic notice as per attached master address list.

/s/HOMEL MERCADO JUSTINIANO

USDC- PR - 229705

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